

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: ETHICON, INC. PELVIC	§	MDL NO. 2327
REPAIR SYSTEM PRODUCTS	§	
LIABILITY LITIGATION	§	HON. JOSEPH R. GOODWIN
THIS DOCUMENT RELATES TO	§	
ALL ACTIONS	§	

	§	

**APPLICATION FOR APPOINTMENT OF DANIEL E. BECNEL, JR.
TO THE PLAINTIFFS' STEERING COMMITTEE**

Daniel E. Becnel, Jr., counsel for plaintiff, Marie Jeanne Exposito, requests that this Honorable Court appoint him to the Plaintiffs' Steering Committee in this multi-district litigation.

Our firm hereby represents that I and the Becnel Law Firm, LLC, have and will commit the ample resources necessary to prosecute this litigation, will work cooperatively with the other attorneys involved in this litigation, and have experience in complex litigation involving product liability, mass torts, class actions, automotive cases and antitrust.

In 1969, I obtained a juris doctor degree from Loyola Law School and am admitted to all Louisiana state courts, and federal courts for the Eastern, Western and Middle Districts of Louisiana and U.S. Fifth Circuit Courts of Appeal, U.S. Supreme Court as well as numerous other Federal Courts nationwide and the State of Colorado.

Over the years, I have been appointed to numerous leadership positions, liaison counsel positions and PSC positions in the following MDL's: MDL No. 330 – Swine Flu; MDL No. 1038 – Norplant; MDL No. 1057 – Telecommunications; MDL No. 1148 – Latex Gloves; MDL No. 1203 – Diet Drugs; MDL No. 1355 – Propulsid; MDL No. 1401 – Sulzer; MDL No. 1431 – Baycol; MDL No. 1477 – Serzone; MDL No. 1431 – Neurontin; MDL No. 1632 – High Sulfur Gasoline; MDL No. 1691 – Bextra; MDL No. 1708 – Guidant; MDL No. 1726 – Medtronics; MDL No. 1724 – Viagra; MDL No. 1742 – Ortho Evra; MDL 1785 – Bausch & Lomb; MDL No. 1960 – Cabotage; MDL No. 2100 – Yasmine/Yaz; MDL No. 2220 – Kaba Lock; MDL No. 2223 – Navistar; MDL No. 2226 – Darvocet; MDL No. 1535 – Welding Rods; MDL No. 2047 – Chinese Drywall; and MDL No. 2068 – Light Cigarettes.

Judge Louis Bechtle appointed me co-chair of the Plaintiffs' State Liaison Committee in the Fen-Phen Litigation which resulted in a federal court settlement of \$4 billion and a state court settlement of \$18 billion.

I was asked by 45 corporate Japanese companies and 15 universities to help craft a product liability law for Japan in Fukuoka, Japan, September 30 – October 2, 1996. The Japan Society of Mechanical Engineers Materials and Mechanics Division was formed in November of 1994 as a forum to help create Japan's new product liability law. Among a few of the major companies were Honda, Isuzu, Komatsu, Mitsubishi, Nissan, Suzuki and Toyota. I have also taught courses in product liability at the Technical Institute in Vienna, Austria.

Among the qualifications the Court should look to, aside from MDL cases, are the following. I personally litigated the first million dollar verdict in the south shortly after receiving my law degree from Loyola. I have been involved in major complex cases such as the Ferry Frosta disaster which killed 76 people and injured 15. Still the largest maritime disaster in the U.S., the matter was tried

and/or settled by U.S. District Judge Alvin Rubin within one year.

Recently tried, as Lead Counsel, the Mother's Day Bus Crash which killed 24 and injured 17 people. This was tried and/or settled to verdict in both state court and federal court and was argued numerous times before the state appellate court and U.S. Supreme Court.

Additionally, I was involved in the Shell Norco Explosion which killed 7 and injured hundreds which settled for over \$200 million after five years of active litigation. I handled the largest ammonia disaster in the U.S. and the claims process in the largest chlorine disaster in the U.S. in Graniteville, South Carolina and was involved in a tank car release in Bogalusa resulting in a \$95 million verdict. I was also one of the leaders of the Breast Implant Litigation taking the deposition of the CEO of Dow Corning and managing 35 lawyers for document review. I handled the document depositories in numerous complex cases and MDL's, including the Kaiser Explosion; the Norplant case; the Ford Ignition case and the Paint Failure cases to name a few.

Since dealing with mass tort cases for over 42 years and my father's death from cigarette smoking at age 57, after serving as a War Prosecutor in Germany and Japan, two other attorneys and myself came up with the idea and organization for taking on the Tobacco Industry (the Castano case). I took many of the major depositions in the Pennsylvania, Louisiana and California litigations. This resulted in the largest settlement in the U.S. of any litigation, over \$300 billion.

I have been involved in major tire defective cases, such as Toyo tires, Goodyear tires and Firestone tires which have killed or injured numerous people in various accidents. All of these cases were tried and or settled shortly after trials began.

In March of last year, I tried a major case before Judge Carl Barbier against the V.A. using numerous medical experts, including Toxicologists and Cardiologists, to a successful verdict in a 43 page Opinion, one of the largest verdicts under the Federal Torts Claim Act in the U.S.

Most recently, I took major depositions only a few weeks ago in Madrid, Spain on 40 oil tanks which exploded in Puerto Rico injuring thousands and closing the Puerto Rico airport for days. I have taken depositions in Paris, Amsterdam, Brussels, London and Vienna, to name a few. My office has referral lawyers all over the U.S. who refer cases to me including drugs cases, ship collisions, medical devices, automobile cases, antitrust cases and the like. Only two weeks ago I was asked to lecture at a legal seminar at Loyola Law School entitled "Lions of the Bar" which included myself and Arthur A. Buddy Lemmon, III (see attached). I was asked to deliver a lecture at the 52nd Annual Conference for the American College of Legal Medicine on Saturday, February 25, 2012. I have spoken at seminars my entire career throughout the country on complex litigation, products liability, antitrust and drug cases.

My wife, Mary Hotard Becnel has been a state court judge for over 19 years and is on the Board of Directors of the NAWJ and has served in that position for years and is organizing the international and national conference for New Orleans next year. My son, Bradley Douglas Becnel, also an attorney, has worked for President Bill Clinton in the West Wing and has served as Lead Advance and Special Assistant to President Obama for over three years. Only two weeks ago, during his time off, he was asked to handle, pro bono, President Clinton's fundraising event in Columbia, South America for his fund to help the people of Haiti. Next week he will handle President Clinton's visit to New Orleans for an Economic Summit. After the election in November he would like to return to practice law with my firm. My son, Daniel E. Becnel, III, has practiced law with me for 21 years and his wife, Kathryn Becnel served as Assistant U.S. Attorney for years and now practices with my firm. My son, Christopher Devon Becnel and his wife are both attorneys and work with me. They both have served in Washington as legislative assistants for over five years to Senator Landrieu and several congressmen prior to joining my firm. Many of the lawyers in my firm have served as state and federal law clerks and have been working on MDL's and complex litigation for more than ten years each.

As pro bono is important to any lawyer, I personally represent 61,000 people in the Levee Failure case and was complimented by Judge Stanwood Duval for handling those cases which are pending before the U.S. Fifth Circuit Court of Appeals.

Recently, Judge Heyburn, Chairman of the Judicial Panel on Multidistrict Litigation, asked me to participate in a study of MDL's being conducted by Professor Francis McGovern. Over the years I have personally argued more cases before the MDL Panel than almost any other lawyer. Almost all of the MDL's that have been sent to New Orleans were argued by me before the Panel: Vioxx, Chinese Drywall; Propulsid; FEMA Trailer cases; BP Oil Spill Disaster; Chrysler, Ford and GM Automotive cases; Product Liability cases, etc.

I have been an active member in the ABA for years and when the Eastern European countries were finally freed, my wife and I hosted many of the newly appointed judges in many of the Eastern European countries to teach them the American judicial system. Matt Moreland, in our office, has been president of the largest Federal Bar Association and serves on the Board of Directors of the Federal Bar nationally.

Among the major achievements in my career is the fact that although I am an experienced trial lawyer, I have always attempted to utilize settlement techniques such as summary jury trials, mediation and the like.

In Chinese Drywall, the lead plaintiff was my client, Coach Sean Payton of the New Orleans Saints and we were able to utilize a Pilot Program that Judge Eldon Fallon helped create which resulted in settlement of over a billion dollars for the victims of Chinese Drywall.

There are many fine lawyers throughout the country that can handle this case and the Court should utilize as many as possible. I know a lot of fine lawyers will make an application and I have no criticism of any of them.

If the Court remembers, I filed an objection in the Digitek case which this Court handled and both Fred Thompson and Carl Frankovitch both said, "Danny you are always right. I don't know why we always doubt you." That was said in reference to the objection I made to a particular person. I hope the Court does not hold that against me in making this application.

Our firm has the financial capability as well as the personnel and expert resources to handle this litigation to completion.

Respectfully submitted,

/s/ Daniel E. Becnel, Jr.
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